

HR Weekly Podcast  
02/20/08

Today is February 20, 2008, and welcome to the HR Weekly Podcast from the State Office of Human Resources. This week's topic concerns the federal Hatch Act and politics in the workplace.

With the nation's presidential race currently garnering much attention, people may be inspired to enter the realm of politics or run for office. This involvement can lead to questions, such as who can or cannot run for elected office, are there limits on who is eligible to participate in political activity, and how should politics fit into the workplace?

In 1939, the United States Congress passed the Hatch Act, limiting the political activity of federal employees and certain employees of state and local governments. The Hatch Act covers employees of programs such as public health, law enforcement, and public welfare and housing that receive frequent federal assistance. The Act does not apply to individuals who exercise no connection with federally financed activities, or who are employed by educational or research institutions. The Hatch Act exempts a state governor or lieutenant governor, a city mayor, an elected head of an executive department of a state or municipality who is not classified under a state or municipal merit system, and an individual holding public elective office.

Under this Act, an individual employed by a state or local government in a program financed in whole or in part by federal loans or grants cannot be a candidate for public office in a partisan election, use official authority or influence to affect the results of an election or nomination, and cannot coerce either directly or indirectly support from subordinates in favor of a political party or candidate. A violation under the Hatch Act may result in the dismissal of employment and the employer may be required to forfeit a portion of the federal funding it received.

Under the Hatch Act, an employee of a state or local government program supported by federal loans or grants can be a candidate for public office in a nonpartisan election, campaign for and hold elective office in political clubs and organizations, campaign for candidates for public office in partisan and nonpartisan elections, contribute money to political organizations, attend political fundraising functions, and participate in any activity not specifically prohibited by law or regulation.

Although not specifically covered by the Hatch Act, this year's presidential election is a good time for employers and managers to remember they are not allowed to elicit information about an employee's political affiliation nor threaten to fire or discipline an employee who chooses to exercise his right to vote. Generally, discussing politics in the workplace may be a matter of free speech and, therefore, not automatically capable of being restricted by an employer. Nevertheless, harsh expression of political affiliation or displaying candidate propaganda in excess might not be appropriate in the workplace. If the activity around politics begins to interfere with the regular course of business, the employer may promulgate policies addressing political activity in the workplace and advise employees to limit their conversations about politics. In addition, the State Ethics Commission has found in Advisory Opinion 2003-003, that any person knowingly sending an e-mail which contains campaign material to a public employee on his government computer is in violation of §§ 8-13-765 and 8-13-1346 of the Ethics Reform Act.

To view the Hatch Act in its entirety refer to the United States Code sections 1501-1508 of title 5 or part 151 of title 5 of the Code of Federal Regulations. If you have any questions pertaining to the Hatch Act or political activity in the workplace, please contact your HR Consultant at 737-0900.

Thank You.